

1 DENNIS J. HERRERA, State Bar #139669  
 2 City Attorney  
 3 JOANNE HOEPER, State Bar #114961  
 4 Chief Trial Deputy  
 5 ROBERT BONTA  
 6 Deputy City Attorney  
 7 Fox Plaza  
 8 1390 Market Street, 6<sup>th</sup> Floor  
 9 San Francisco, California 94102-5408  
 Telephone: (415) 554-3892  
 Facsimile: (415) 554-3837  
 E-Mail: robert.bonta@sfgov.org

8 Attorneys for Defendants  
 CITY AND COUNTY OF SAN FRANCISCO,  
 HEATHER FONG AND JESSE SERNA

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARCO MAESTRINI,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN  
 17 FRANCISCO, a municipal corporation;  
 HEATHER FONG, in her capacity as  
 18 Chief of Police for the CITY AND  
 COUNTY OF SAN FRANCISCO; JESSE  
 19 SERNA, individually, and in his capacity  
 as a police officer for the CITY AND  
 COUNTY OF SAN FRANCISCO; and,  
 20 San Francisco police officers DOES 1-25,  
 inclusive,

21 Defendants.  
 22

Case No. C 07-2941 PJH

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE TRIAL DATE  
 AND RELATED PRETRIAL  
 DEADLINES**

1       The undersigned parties, through counsel, STIPULATE and AGREE and jointly request  
2 modification of the Court's September 28, 2007 Case Management and Pretrial Order and March 14,  
3 2008 Order To Extend Time For Court-Ordered Mediation as follows:

4           Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

5           Non-Expert Discovery Cutoff: Monday, January 5, 2009

6           Dispositive Motions to Be Heard By: Wednesday, March 4, 2009

7           Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

8           Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

9           Expert Discovery Cutoff: Friday, May 22, 2009

10          Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

11          Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17<sup>th</sup> Fl.

12          The parties make this request based on the following circumstances:

13          1.       Deputy City Attorney David Newdorf, who was previously counsel of record for  
14 defendants and was handling all aspect of the above-captioned case, left the San Francisco City  
15 Attorney's Office on July 11, 2008.

16          2.       Deputy City Attorney Robert A. Bonta recently substituted in for Deputy City  
17 Attorney David Newdorf as counsel of record for defendants.

18          3.       Deputy City Attorney Robert A. Bonta is still getting up to speed on the case.

19          4.       Deputy City Attorney Robert A. Bonta will be taking an approximately three-month  
20 parental leave from approximately December 18, 2008 to March 18, 2009.

21          5.       Additional discovery is still required to prepare this case for trial. For example, both  
22 parties need to conduct depositions, including plaintiff's taking of the deposition of defendant Serna.  
23 In addition, the parties need to resolve the issue of discovery of Officer Serna's personnel file records.

24          6.       The parties request continuations of the trial date and pretrial deadlines as set forth  
25 above.

26          7.       The Court in its September 28, 2007 Case Management Order ordered the parties to  
27 mediation within 120 days. Pursuant to stipulation of the parties, with the concurrence of Court-

1 appointed mediator Christopher Johns, the parties requested time for discovery that would be  
2 necessary in order for mediation to be beneficial. The Court extended the deadline for mediation to  
3 May 27, 2008. Other than the aforementioned, there have been no other modifications to the Case  
4 Management order. No other dates will be affected by the requested changes.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE**  
2 **TRIAL DATE AND RELATED PRETRIAL DEADLINES**

3  
4 **STIPULATED AND AGREED:**

5 Dated: August 7, 2008

6 DENNIS J. HERRERA  
7 City Attorney  
8 JOANNE HOEPER  
9 Chief Trial Deputy  
ROBERT BONTA  
SEAN F. CONNOLLY  
Deputy City Attorneys

10 By: \_\_\_\_\_ /s/  
11 ROBERT BONTA  
12 Attorneys for Defendants  
13 CITY AND COUNTY OF SAN FRANCISCO,  
HEATHER FONG AND JESSE SERNA

14  
15 Dated: August 7, 2008

16 LAW OFFICE OF JOHN L. BURRIS  
17 JOHN L. BURRIS  
BENJAMIN NISENBAUM

18 By: \_\_\_\_\_ /s/  
19 BENJAMIN NISENBAUM  
20 Attorneys for Plaintiff  
MARCO MAESTRINI

## ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the trial date and pre-trial deadlines be continued as follows:

Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

## Non-Expert Discovery Cutoff: Monday, January 5, 2009

**Dispositive Motions to Be Heard By: Wednesday, March 4, 2009**

Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

## Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

Expert Discovery Cutoff: Friday, May 22, 2009

Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17<sup>th</sup> Fl.

DATED: \_\_\_\_\_

Hon. Phyllis J. Hamilton  
U.S. District Judge